

1741

#8

AS
11/8/02

RECEIVED

NOV 07 2002

TC 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Reisfeld

Serial No: 09/916,876

Filing Date: 7/30/01

Title: A MODULAR
PHOTOCATALYTIC AIR
PURIFIER

Group Art Unit: 1741

Examiner: Wong, Edna

RESPONSE

Assistant Commissioner for Patents
Washington, DC 20231

RESPONSE TO THE EXAMINER'S RESTRICTION REQUIREMENT

In response to the Office Action dated 10/24/02, designated as Paper No. 7 in the above-captioned application, the Examiner issued a Restriction Requirement identifying the following groups of claims as being drawn to potentially distinct inventions:

Group I. Claims 1-38, drawn to a modular photocatalytic air purifier and fan coil unit, classified in class 422, subclass 186.3.

Group II. Claims 39-45, drawn to a method for filtering air in a unit, classified in class 204, subclass 157.3.

The Examiner asserted that these inventions may be regarded as independent and distinct from one another because inventions II and 1 are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus such as with a filter comprising a bundle of parallel, catalyst-coated optical fibers.

Applicants respectfully request that the Examiner withdraw the Restriction Requirement on the grounds that the proposed inventions are inextricably intertwined, and

prosecution of the proposed groups of claims together would be most effective for the Office. In order to conduct a comprehensive search regarding any one of the groups, including the group provisionally elected above, it would be inherently necessary to review the same pertinent fields and classes of prior art relating to the other groups. Moreover, the important questions of patentability and claim interpretation are likely to be based on substantially similar issues and evaluations for each group of claims, and would require consideration of the same prior art, and combined prosecution is therefore less likely to result in inconsistent or conflicting file histories.

The Applicant hereby elects the subject matter of Group I, claims 1-38 being drawn to a modular photocatalytic air purifier and fan coil unit, classified in class 422, subclass 186.3. This election is made without traverse, it being understood that the applicant's right to file divisional applications directed to the non-elected subject matter under 35 U.S.C. 120 and 35 U.S.C. 121 is retained.

Applicant believes that no extension of time is necessary to make this Response timely. Should Applicant be in error, Applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Response timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 50-0289.

Please direct any questions or comments to Daniel P. Malley at (607) 256-7307.

Respectfully submitted,

WALL MARJMA & BILINSKI



Daniel P. Malley

Registration No. 43,443

WALL MARJMA & BILINSKI

101 S. Salina Street

Suite 400

Syracuse, NY 13202

Date: November 1, 2002